

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT WEEKES,

Plaintiff,

-V-

BACKCOUNTRY.COM, LLC,

Defendant.

21 Civ. 10456 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

On June 3, 2022, Defendant moved to dismiss the Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(1). Dkts. 24-25. Plaintiff's opposition to Defendant's motion to dismiss is due by June 24, 2022. It is hereby ORDERED that, by June 20, 2022, Defendant shall file supplemental briefing as to what effect, if any, the Second Circuit's recent decision in *Calcagno v. Swarovski N. Am. Ltd.*, No. 20-1552, 2022 WL 1788305 (2d Cir. June 2, 2022), has on whether Plaintiff properly alleged Article III standing under Title III of the Americans with Disabilities Act, 43 U.S.C. § 12101 *et seq.* It is further ORDERED that Plaintiff shall address the impact of *Calcagno* in its opposition brief.

SO ORDERED.

Dated: June 13, 2022
New York, New York

T. P. C.

JOHN P. CRONAN
United States District Judge